

REMARKS

Claims 9-14 are pending in this application. Claim 9 is amended. As to the new claim 14, see Applicants' specification at top of page 19.

At page 3 of the office action, Claims 9-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Greilich (Am J of Medical Sciences, 1994). The Examiner admits that Applicants' claims differ from Greilich in which a single sample was taken from many patients while Applicants' claims "obtain two samples from the same patient."

Applicants respectfully traverse the obviousness rejection.

The Examiner has given insufficient weight to the differences that he has admitted exist between the reference and Applicants' claimed invention.

Greilich studied a normal control group and CAD patients. Almost all CAD patients are on aspirin treatment. The CAD patients encountered by Greilich for his study happened to break into two subgroups: the expected large subgroup of known CAD patients on aspirin and four known CAD patients who happened not to be on aspirin because of contraindication to aspirin (such as peptic ulcer, allergy). In Greilich, there was not a single CAD patient followed with pre-treatment and post-treatment data, making it impossible for a person of ordinary skill in Applicants' art to conclude that Greilich disclosed Applicants' method of monitoring treatment or therapy of a patient suffering from unstable angina or myocardial infarction specifically, or a method of monitoring treatment or therapy of such a patient generally.

Reconsideration and withdrawal of the obviousness rejection are respectfully sought.

At page 4 of the office action, claims 9-13 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. The Examiner cites "said blood sample" at claim 9, line 6.

Applicants respond as follows. To advance prosecution, Claim 9 has been amended. The ground of rejection is believed to have been obviated. Reconsideration and withdrawal of the indefiniteness rejection are respectfully sought.

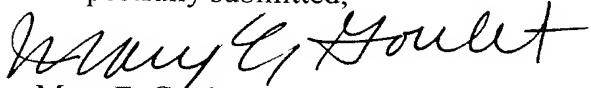
In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 9-14 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the

Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



Mary E. Goulet
Reg. No. 35,884

Whitham, Curtis
Christofferson & Cook, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190

Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743